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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,682	07/05/2005	Young-Min Oh	038779/286036	3035
826	7590	12/18/2006	EXAMINER	
ALSTON & BIRD LLP				ALAM, FAYYAZ
BANK OF AMERICA PLAZA				PAPER NUMBER
101 SOUTH TRYON STREET, SUITE 4000				2618
CHARLOTTE, NC 28280-4000				

DATE MAILED: 12/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/517,682	OH ET AL.
	Examiner	Art Unit
	Fayyaz Alam	2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 - 16 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1 - 9 & 15 is/are allowed.
- 6) Claim(s) 10- 14 & 16 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 December 2004 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments, see pgs. 9 - 12, filed 10/27/2006, with respect to claims 1 - 9 have been fully considered and are persuasive. The rejection of claims 1 - 9 has been withdrawn.

Applicant's arguments with regards to claims 10 -14 have been fully considered but they are not persuasive.

Concerning independent claim 10, applicant argues that the Rees et al. reference does disclose a "transmit-and-receive path and a receive-only path". The examiner respectfully argues that the Rees et al. reference does disclose a transmit-and-receive path and a receive only path in fig. 5, where a transmit/receive antenna (202) (read as transmit-and-receive path) and a diversity receive antenna (17) (read as receive only path) is clearly and precisely disclosed.

Therefore, rejections of claims 10 - 14 still withstand.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10 - 11, 13 and 16 rejected under 35 U.S.C. 102(b) as being anticipated by Rees et al. (UK Patent Application # 2,272,604).

Consider **claim 10**, Rees et al. disclose an RBDS (21) (read as measuring device) to perform a method of VSWR measurement (read as receive sensitivity measurement method) coupled to a GSM BSS (read as communication system) including a transmit/receive antenna (202) (read as transmit-and-receive path) and a diversity receive antenna (17) (read as receive only path), the RBDS (211) (read as the measuring device) including a test transceiver (32) (read as terminal) for outputting a test call (read as test signal) over an RF interface (read as receive sensitivity measuring path; see pg. 6, lines 1 - 5) through a communication with either the transmit/receive antenna (202) (read as transmit-and-receive path) or the diversity receive antenna (17) (read as receive only path), the VSWR measuring (read as receive sensitivity measuring) method of a GSM BSS (read as a communication system) comprising (see fig. 1; fig. 5; pg. 4, line 7 - pg. 5, line 27; pg. 6, lines 1 - 9; pg. 6, line 29 - pg. 7, line 26): (a) receiving the test call (read as test signal) from the test transceiver (32) (read as terminal) at the diversity receiver (13) which is coupled to diversity receive antenna (17) (read as receive only path and therefore a receive sensitivity path) (see figs. 1 & 5; pg. 5, line 36 - pg. 6, line 12; pg. 5, line 36 - pg. 6, line 9; pg. 7, lines 17 - 26); (b) calculating a cable loss between the diversity receive antenna (13) (read as receive sensitivity measuring path) and the test transceiver (32) (read as terminal) since it is diagnostics system and at high frequencies cable loss needs to be accounted for in the interest of precision measurement; receiver (12) (read as the receive sensitivity measuring path)

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receives the test signal by the test transceiver (32) (read as terminal) in (a) and the cable measured in (b) to measure the VSWR of antenna (16) (read as receive sensitivity measuring path) (see pg. 5, line 36 - pg. 6, line 12).

Consider **claim 11** as applied to claim 10, Rees et al. disclose that in order to test (read as measure) the receiver (12) (read as second receiver) coupled to the diversity receive antenna (17) (read as receive-only path), the control circuitry (20) (read as terminal) transmits a test call (read as communication between first transmitter and second receiver; see page 4, lines 36 - 38 and page 5, lines 1 - 27) through transmitter (11) (read as first transmitter) which is coupled to the transmit/receive antenna (202) (read as transmit and receive path; figure 3) and is received by the receiver (12) (read as second receiver; see page 4, lines 36 - 38 and page 5, lines 1 - 27).

Consider **claim 13** as applied to claim 10, Rees et al. disclose that tests can be carried out at different signal levels and also RBDS (21) has the functionality to select an appropriate test level signal (read as the terminal transmits the lowest receive level signal to the receive sensitivity measuring path, the lowest receive level signal being acceptable to the receive sensitivity measuring path; see page 6, lines 11 -12; page 7, lines 31 - 38; and page 8, lines 1 -2).

Consider **claim 16** as applied to claim 11, Rees et al. disclose diversity receiver (13) coupled to diversity receive antenna (17) (read as receive only path), the test transceiver (32) (read as terminal) sets up a test call (read as test signal) which is transmitted by the GSM BSS (read as communication system) to the diversity receiver (13) (read as receive only path) (see pg. 7 lines 11 - 26).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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Consider **claim 14** as applied to claim 10, Rees et al. fail to disclose a timer for automatically turning off the receive sensitivity measuring device when the terminal transmits the test signal and a predetermined time has passed.

The Examiner takes Official Notice that it is notoriously well known in the art of wireless communication to implement a power save or sleep mode function in any device.

Therefore it would have been obvious to a person of ordinary skill in the art to implement a timer for automatically turning off the receive sensitivity measuring device due to preset period of inactivity in order provide power efficiency and prolong battery life.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Rees et al. (UK Patent Application # 2,272,604)** as applied to claims 1 and 10 above, and further in view of **Donovan (IMPS - Instant Messaging and Presence Using SIP. Fall VON Developers' Conference, Sep. 13, 2000, www.dynamicsoft.com)**.

Consider **claim 12** in view of claim 10, Rees et al. fail to disclose a method comprising: checking that the terminal of the measuring device has transmitted the test signal and the receive sensitivity measuring path has received the corresponding test signal, and turning off the measuring device.

In the related field of endeavor, Donovan disclose a method in the Session Initiation Protocol or SIP where Alice (read as terminal) sends a subscribe message (read as test signal) and the proxy server (read as receive sensitivity measuring path) after receiving sends back an accepted message (see pg. 6).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to slightly modify the teachings of Rees et al. with that of Donovan et al. in order to implement a well known method for reliable communication.

Rees et al. fail to disclose turning off the measuring device.

The Examiner takes Official Notice that it is notoriously well known in the art of wireless communication to turn off an electronic device after intended use.

Therefore it would have been obvious to a person of ordinary skill in the art to turn off the sensitivity device to ensure power consumption.

Allowable Subject Matter

Claims 1 - 9 and 15 are allowed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Fayyaz Alam whose telephone number is (571) 270-1102. The Examiner can normally be reached on Monday-Friday from 9:30am to 7:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Fayyaz Alam

December 8, 2006

EDAN ORGAD
PATENT EXAMINER/TELECOMM.

Edan Orgad 12/9/06